

SENATE BILL No. 548

DIGEST OF INTRODUCED BILL

Citations Affected: IC 5-2-10.5-6; IC 9-19-14.5-1; IC 16-18-2; IC 16-31.

Synopsis: Emergency medical services. Allows public safety training board members to appoint designees to represent them at board proceedings. Makes changes to permit the differentiation of intermediate and advanced levels of emergency medical technician certification in addition to the levels currently in use. Establishes a detailed disciplinary process for offenses committed by certified individuals. Permits the collection of fees. Creates the emergency medical services fund and requires that fees collected by the state emergency management agency be deposited in the fund. Provides for the regulation of emergency medical dispatch agencies and personnel.

Effective: July 1, 2003.

Merritt

January 23, 2003, read first time and referred to Committee on Health and Provider Services.

C
o
p
y



First Regular Session 113th General Assembly (2003)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2002 Regular or Special Session of the General Assembly.

SENATE BILL No. 548

A BILL FOR AN ACT to amend the Indiana Code concerning health and to make an appropriation.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 5-2-10.5-6 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 6. The board is
3 composed of the following members:

4 (1) The executive director of the department of fire and building
5 services **or the executive director's designee**.

6 (2) The chairperson of the board of firefighting personnel
7 standards and education.

8 (3) The director of the state emergency management agency **or**
9 **the director's designee**.

10 (4) The commissioner of the department of environmental
11 management **or the commissioner's designee**.

12 (5) The state fire marshal **or the state fire marshal's designee**.

13 (6) **The deputy director of the emergency medical services**
14 **division of the state emergency management agency**.

15 (7) Five (5) individuals appointed by the governor, not more than
16 three (3) of whom may represent the same political party, as
17 follows:



C
o
p
y

- (A) A professional firefighter.
- (B) A volunteer firefighter.
- (C) A public safety employee who is not a firefighter.
- (D) A municipal or county building inspector.
- (E) A member of the medical profession.

SECTION 2. IC 9-19-14.5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 1. A privately owned vehicle belonging to a **certified paramedic, certified emergency medical technician-intermediate, certified emergency medical technician-advanced**, certified emergency medical technician, certified emergency medical service driver, or certified emergency medical service first responder while traveling in the line of duty in connection with emergency medical services activities may display green lights, subject to the following restrictions and conditions:

- (1) The lights may not have a light source less than fifty (50) candlepower.
- (2) All lights shall be placed on the top of the vehicle.
- (3) Not more than two (2) green lights may be displayed on a vehicle and each light must be of the flashing or revolving type and visible at three hundred sixty (360) degrees.
- (4) The lights must consist of a lamp with a green lens and not of an uncolored lens with a green bulb. However, the revolving lights may contain multiple bulbs.
- (5) The green lights may not be a part of the regular head lamps displayed on the vehicle.
- (6) For a person authorized under this chapter to display a green light on the person's vehicle, the person must first secure a written permit from the director of the state emergency management agency to use the light. The permit must be carried by the person when the light is displayed.

SECTION 3. IC 16-18-2-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 6. "~~Advanced~~ "Emergency medical technician-**intermediate**", for purposes of IC 16-31, means an individual who can perform at least one (1) but not all of the procedures of a paramedic and who:

- (1) has completed a prescribed course in advanced life support;
- (2) has been certified by the Indiana emergency medical services commission;
- (3) is associated with a single ~~sponsoring~~ or supervising hospital; and
- (4) is affiliated with a provider organization.

SECTION 4. IC 16-18-2-7, AS AMENDED BY P.L.17-2002,



C
o
p
y

SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 7. (a) "Advanced life support", for purposes of IC 16-31, means care that is given:

(1) at the scene of:

(A) an accident;

(B) an act of terrorism (as defined in IC 35-41-1-26.5), if the governor has declared a disaster emergency under IC 10-4-1-7 in response to the act of terrorism; or

(C) an illness;

(2) during transport; or

(3) at a hospital;

by a paramedic or an ~~advanced~~ emergency medical technician-**intermediate** and that is more advanced than the care usually provided by an emergency medical technician **or an emergency medical technician-advanced.**

(b) The term may include any of the following:

(1) Defibrillation.

(2) Endotracheal intubation.

(3) Parenteral injections of appropriate medications. ~~including administration of epinephrine through an auto-injector.~~

(4) Electrocardiogram interpretation.

(5) Emergency management of trauma and illness.

SECTION 5. IC 16-18-2-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 10. (a) **"Agency", for the purposes of IC 16-31-8.5, has the meaning set forth in IC 16-31-8.5-1.**

(b) "Agency", for purposes of IC 16-41-37, has the meaning set forth in IC 16-41-37-1.

SECTION 6. IC 16-18-2-33.5, AS AMENDED BY P.L.93-2002, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 33.5. (a) "Basic life support", for purposes of IC 16-31, means the following:

(1) Assessment of emergency patients.

(2) Administration of oxygen.

(3) Use of mechanical breathing devices.

(4) Application of anti-shock trousers.

(5) Performance of cardiopulmonary resuscitation.

(6) Application of dressings and bandage materials.

(7) Application of splinting and immobilization devices.

(8) Use of lifting and moving devices to ensure safe transport.

(9) Use of an automatic or a semiautomatic defibrillator if the defibrillator is used in accordance with training procedures



established by the Indiana emergency medical services commission.

(10) Administration by an emergency medical technician **or emergency medical technician-advanced** of epinephrine through an auto-injector.

(11) **For an emergency medical technician-advanced, the following:**

(A) **Electrocardiogram interpretation.**

(B) **Manual external defibrillation.**

(C) **Intravenous fluid therapy.**

(12) Other procedures authorized by the Indiana emergency medical services commission, including procedures contained in the revised national emergency medical technician basic training curriculum guide.

(b) Except as provided by:

(1) **subsection (a)(10) and the training standards established under IC 16-31-2-9(5);**

(2) **subsection (a)(11)(C); and**

(3) **the training and certification standards established under IC 16-31-2-9(4);**

~~in subsection (a)(10) and by the training and certification standards established under IC 16-31-2-9(5);~~ the term does not include invasive medical care techniques or advanced life support. ~~except as provided by the training and certification standards established under IC 16-31-2-9(4);~~

SECTION 7. IC 16-18-2-112.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec. 112.5 "Emergency medical technician-advanced", for purposes of IC 16-31, means an individual who is certified under this article to provide basic life support at the scene of an accident or illness or during transport.**

SECTION 8. IC 16-18-2-143, AS AMENDED BY P.L.81-2002, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 143. (a) "Fund", for purposes of IC 16-26-2, has the meaning set forth in IC 16-26-2-2.

(b) **"Fund", for purposes of IC 16-31-8.5, has the meaning set forth in IC 16-31-8.5-2.**

(c) "Fund", for purposes of IC 16-46-5, has the meaning set forth in IC 16-46-5-3.

~~(c)~~ (d) "Fund", for purposes of IC 16-46-12, has the meaning set forth in IC 16-46-12-1.

SECTION 9. IC 16-18-2-163, AS AMENDED BY P.L.148-1999,



SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 163. (a) "Health care provider", for purposes of IC 16-21 and IC 16-41, means any of the following:

(1) An individual, a partnership, a corporation, a professional corporation, a facility, or an institution licensed or legally authorized by this state to provide health care or professional services as a licensed physician, a psychiatric hospital, a hospital, a health facility, an emergency ambulance service (IC 16-31-3), a dentist, a registered or licensed practical nurse, a midwife, an optometrist, a pharmacist, a podiatrist, a chiropractor, a physical therapist, a respiratory care practitioner, an occupational therapist, a psychologist, a paramedic, an emergency medical technician, or an advanced emergency technician, or a person who is an officer, employee, or agent of the individual, partnership, corporation, professional corporation, facility, or institution acting in the course and scope of the person's employment.

(2) A college, university, or junior college that provides health care to a student, a faculty member, or an employee, and the governing board or a person who is an officer, employee, or agent of the college, university, or junior college acting in the course and scope of the person's employment.

(3) A blood bank, community mental health center, community mental retardation center, community health center, or migrant health center.

(4) A home health agency (as defined in IC 16-27-1-2).

(5) A health maintenance organization (as defined in IC 27-13-1-19).

(6) A health care organization whose members, shareholders, or partners are health care providers under subdivision (1).

(7) A corporation, partnership, or professional corporation not otherwise qualified under this subsection that:

(A) provides health care as one (1) of the corporation's, partnership's, or professional corporation's functions;

(B) is organized or registered under state law; and

(C) is determined to be eligible for coverage as a health care provider under IC 34-18 for the corporation's, partnership's, or professional corporation's health care function.

Coverage for a health care provider qualified under this subdivision is limited to the health care provider's health care functions and does not extend to other causes of action.

(b) "Health care provider", for purposes of IC 16-35, has the meaning set forth in subsection (a). However, for purposes of IC 16-35,

C
o
p
y



the term also includes a health facility (as defined in section 167 of this chapter).

(c) "Health care provider", for purposes of IC 16-36-5, means an individual licensed or authorized by this state to provide health care or professional services as:

- (1) a licensed physician;
- (2) a registered nurse;
- (3) a licensed practical nurse;
- (4) an advanced practice nurse;
- (5) a licensed nurse midwife;
- (6) a paramedic;
- (7) an emergency medical technician;
- (8) an ~~advanced~~ emergency medical technician-**advanced**; or
- (9) **an emergency medical technician-intermediate**; or
- (10) a first responder, as defined under IC 16-18-2-131.

The term includes an individual who is an employee or agent of a health care provider acting in the course and scope of the individual's employment.

SECTION 10. IC 16-18-2-295, AS AMENDED BY P.L.256-1999, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 295. (a) "Provider", for purposes of IC 16-38-5, IC 16-39 (except for IC 16-39-7) and IC 16-41-1 through IC 16-41-9 and IC 16-41-37, means any of the following:

- (1) An individual (other than an individual who is an employee or a contractor of a hospital, a facility, or an agency described in subdivision (2) or (3)) who is licensed, registered, or certified as a health care professional, including the following:
 - (A) A physician.
 - (B) A psychotherapist.
 - (C) A dentist.
 - (D) A registered nurse.
 - (E) A licensed practical nurse.
 - (F) An optometrist.
 - (G) A podiatrist.
 - (H) A chiropractor.
 - (I) A physical therapist.
 - (J) A psychologist.
 - (K) An audiologist.
 - (L) A speech-language pathologist.
 - (M) A dietitian.
 - (N) An occupational therapist.
 - (O) A respiratory therapist.



- 1 (P) A pharmacist.
- 2 (2) A hospital or facility licensed under IC 16-21-2 or IC 12-25 or
- 3 described in IC 12-24-1 or IC 12-29.
- 4 (3) A health facility licensed under IC 16-28-2.
- 5 (4) A home health agency licensed under IC 16-27-1.
- 6 (5) An employer of a certified emergency medical technician, a
- 7 certified ~~advanced~~ emergency medical technician-**advanced**, a
- 8 **certified emergency medical technician-intermediate**, or a
- 9 certified paramedic.
- 10 (6) The state department or a local health department or an
- 11 employee, agent, designee, or contractor of the state department
- 12 or local health department.

13 (b) "Provider", for purposes of IC 16-39-7-1, has the meaning set
14 forth in IC 16-39-7-1(a).

15 SECTION 11. IC 16-18-2-337 IS AMENDED TO READ AS
16 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 337. "Sponsoring" or
17 "supervising hospital", for purposes of IC 16-31, means a hospital:

- 18 (1) that is licensed under IC 16-21-2 or under the licensing law of
- 19 another state; and
- 20 (2) that has been certified by the emergency medical services
- 21 commission to sponsor or supervise paramedics, ~~advanced~~
- 22 emergency medical ~~technicians~~, **technician-intermediates**, and
- 23 provider organizations in providing advanced life support.

24 SECTION 12. IC 16-31-2-9, AS AMENDED BY P.L.93-2002,
25 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
26 JULY 1, 2003]: Sec. 9. The commission shall establish the following:

- 27 (1) Standards for persons who provide emergency medical
- 28 services and who are not licensed or regulated under IC 16-31-3.
- 29 (2) Training and certification standards for the use of automatic
- 30 and semiautomatic defibrillators by first responders.
- 31 (3) Training ~~and certification~~ standards for the administration of
- 32 antidotes, vaccines, and antibiotics to prepare for or respond to a
- 33 terrorist or military attack.
- 34 (4) Training and certification standards for the administration of
- 35 epinephrine through an auto-injector by:
 - 36 (A) an emergency medical technician; or
 - 37 (B) an ~~advanced~~ emergency medical technician-**advanced**.
- 38 (5) Training ~~and certification~~ standards to permit the use of
- 39 antidote kits for the treatment of exposure to chemical agent VX
- 40 (nerve agent) by ~~advanced~~ **an** emergency medical ~~technicians~~
- 41 **technician-advanced** and emergency medical technicians who
- 42 work for emergency medical service providers located in:



C
o
p
y

(A) a county having a population of more than eight thousand (8,000) but less than nine thousand (9,000);

(B) a county having a population of more than sixteen thousand seven hundred (16,700) but less than seventeen thousand (17,000);

(C) a county having a population of more than seventeen thousand (17,000) but less than seventeen thousand five hundred (17,500);

(D) a county having a population of more than seventeen thousand five hundred (17,500) but less than eighteen thousand (18,000);

(E) a county having a population of more than thirty-six thousand (36,000) but less than thirty-six thousand seventy-five (36,075);

(F) a county having a population of more than thirty-seven thousand (37,000) but less than thirty-eight thousand (38,000); and

(G) a county having a population of more than one hundred five thousand (105,000) but less than one hundred ten thousand (110,000).

SECTION 13. IC 16-31-3-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 5. **(a)** The commission shall waive any rule for a person who provides emergency ambulance service, an emergency medical technician, **an emergency medical technician-advanced, an emergency medical technician-intermediate, a paramedic,** or an ambulance when operating from a location in an adjoining state by contract with an Indiana unit of government to provide emergency ambulance or medical services to patients who are picked up or treated in Indiana.

(b) The commission may waive any rule, including a rule establishing a fee, for a person who submits facts demonstrating that:

(1) compliance with the rule will impose an undue hardship on the person; and

(2) either;

(A) noncompliance with the rule; or

(B) compliance with an alternative requirement approved by the commission;

will not jeopardize the quality of patient care.

(c) A waiver granted under subsection (b)(2)(B) is conditioned upon compliance with the alternative requirement approved under subsection (b).



C
o
p
y

(d) The commission shall establish an expiration date for any waiver that is granted.

(e) The commission may renew a waiver if the person makes the same demonstration required for the original waiver.

SECTION 14. IC 16-31-3-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 10. (a) Except as provided in subsection (b), to renew a certificate issued under this chapter upon expiration of the certificate for any reason, a person must comply with any continuing education requirements that have been established by the commission. To renew a certificate issued under this chapter after a ~~suspension, revocation or termination~~ of the certificate, a person must comply with all the requirements of this chapter that apply to the original certification.

(b) A renewal of an emergency medical technician, **an emergency medical technician-advanced, an emergency medical technician-intermediate, or a paramedic** certificate shall be issued to an individual who meets the following conditions:

(1) While holding a valid ~~emergency medical technician~~ certificate, enters the armed forces of the United States, including:

- (A) the army;
- (B) the navy;
- (C) the air force;
- (D) the marines; or
- (E) the coast guard;

but excluding the guard and reserve components of those forces.

(2) Is discharged from the armed forces of the United States **within** forty-eight (48) months after the individual entered the armed forces.

(3) Successfully completes, not more than nine (9) months after the individual's discharge from the armed forces of the United States, a refresher course approved by the commission.

(4) Applies for the certificate renewal not more than one (1) year after the individual's discharge from the armed forces of the United States.

(5) Passes the written and practical skills examinations.

SECTION 15. IC 16-31-3-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 13. ~~Certificates issued under this chapter shall be issued without cost to applicants.~~ (a) **The commission may adopt rules under IC 4-22-2 to establish a fee schedule for activities performed under this chapter, IC 16-31-2, and IC 16-31-3.5.**

(b) The fee schedule established in the rules adopted under this



C
o
p
y

section must be reasonably calculated to cover the costs of administering this chapter, IC 16-31-2, and IC 16-31-3.5.

(c) The fees collected under this section must be deposited in the emergency medical services fund established by IC 16-31-8.5-3.

SECTION 16. IC 16-31-3-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 14. (a) Except as provided in subsection (d); after notice and hearing the commission may suspend or revoke a certificate issued under this chapter for failure to comply and maintain compliance with or for violation of any applicable provisions, standards, or other requirements of this chapter or rules adopted under this chapter: A person holding a certificate issued under this article must comply with the applicable standards and rules established under this article. A certificate holder is subject to disciplinary sanctions under subsection (b) if the state emergency management agency determines that the certificate holder:

- (1) engaged in or knowingly cooperated in fraud or material deception in order to obtain a certificate, including cheating on a certification examination;
- (2) engaged in fraud or material deception in the course of professional services or activities;
- (3) advertised services or goods in a false or misleading manner;
- (4) falsified or knowingly allowed another person to falsify attendance records or certificates of completion of continuing education courses required under this article or rules adopted under this article;
- (5) is convicted of a crime, if the act that resulted in the conviction has a direct bearing on determining if the certificate holder should be entrusted to provide emergency medical services;
- (6) is convicted of violating IC 9-19-14.5;
- (7) fails to comply and maintain compliance with or violates any applicable provision, standard, or other requirement of this article or rules adopted under this article;
- (8) continues to practice if the certificate holder becomes unfit to practice due to:
 - (A) professional incompetence that includes the undertaking of professional activities that the certificate holder is not qualified by training or experience to undertake;
 - (B) failure to keep abreast of current professional theory



- 1 or practice;
- 2 (C) physical or mental disability; or
- 3 (D) addiction to, abuse of, or severe dependency on alcohol
- 4 or other drugs that endanger the public by impairing the
- 5 certificate holder's ability to practice safely;
- 6 (9) engages in a course of lewd or immoral conduct in
- 7 connection with the delivery of services to the public;
- 8 (10) allows the certificate holder's name or a certificate issued
- 9 under this article to be used in connection with a person who
- 10 renders services beyond the scope of that person's training,
- 11 experience, or competence;
- 12 (11) is subjected to disciplinary action in another state or
- 13 jurisdiction on grounds similar to those contained in this
- 14 chapter. For purposes of this subdivision, a certified copy of
- 15 a record of disciplinary action constitutes prima facie
- 16 evidence of a disciplinary action in another jurisdiction;
- 17 (12) assists another person in committing an act that would
- 18 constitute a ground for disciplinary sanction under this
- 19 chapter; or
- 20 (13) allows a certificate issued by the commission to be:
- 21 (A) used by another person; or
- 22 (B) displayed to the public when the certificate is expired,
- 23 inactive, invalid, revoked or suspended.
- 24 (b) On motion of the commission or on the verified written
- 25 complaint of an interested person, the director of the state emergency
- 26 management agency shall conduct an investigation. The state
- 27 emergency management agency may issue an order under
- 28 IC 4-21.5-3-6 to impose one (1) or more of the following sanctions
- 29 if the state emergency management agency determines that a
- 30 certificate holder is subject to disciplinary sanctions under
- 31 subsection (a):
- 32 (1) Revocation of a certificate holder's certificate for a period
- 33 not to exceed seven (7) years.
- 34 (2) Suspension of a certificate holder's certificate for a period
- 35 not to exceed seven (7) years.
- 36 (3) Censure of a certificate holder.
- 37 (4) Issuance of a letter of reprimand.
- 38 (5) Assessment of a civil penalty against the certificate holder
- 39 in accordance with the following:
- 40 (A) The civil penalty may not exceed five hundred dollars

C
o
p
y



1 (\$500) per day per violation.

2 (B) When imposing a civil penalty, the state emergency
3 management agency must consider a certificate holder's
4 ability to pay the amount assessed. If the certificate holder
5 fails to pay the civil penalty within the time specified by the
6 state emergency management agency, the state emergency
7 management agency may suspend the certificate holder's
8 certificate without additional proceedings. However, a
9 suspension may not be imposed if the sole basis for the
10 suspension is the certificate holder's inability to pay a civil
11 penalty.

12 (6) Placement of a certificate holder on probation status and
13 requirement of the certificate holder to:

14 (A) report regularly to the state emergency management
15 agency upon the matters that are the basis of probation;

16 (B) limit practice to those areas prescribed by the state
17 emergency management agency;

18 (C) continue or renew professional education approved by
19 the state emergency management agency until a
20 satisfactory degree of skill has been attained in those areas
21 that are the basis of the probation; or

22 (D) perform or refrain from performing any acts,
23 including community restitution or service without
24 compensation, that the state emergency management
25 agency considers appropriate to the public interest or to
26 the rehabilitation or treatment of the certificate holder.

27 The state emergency management agency may withdraw or
28 modify this probation if the state emergency management
29 agency finds after a hearing that the deficiency that required
30 disciplinary action is remedied or that changed circumstances
31 warrant a modification of the order.

32 (c) Except as provided in subsection (d), the commission may
33 initiate proceedings to suspend or revoke a certificate on the
34 commission's own motion or on the verified written complaint of an
35 interested person. All proceedings to suspend or revoke a certificate
36 shall be conducted in accordance with IC 4-21.5-3. If an applicant or
37 a certificate holder has engaged in or knowingly cooperated in
38 fraud or material deception to obtain a certificate, including
39 cheating on the certification examination, the state emergency
40 management agency may rescind the certificate if it has been
41 granted, void the examination or other fraudulent or deceptive

C
o
p
y



1 material, and prohibit the applicant from reapplying for the
 2 certificate for a length of time established by the state emergency
 3 management agency.

4 (d) The commission or the director may, on finding that the public
 5 health or safety is in imminent danger, temporarily suspend a certificate
 6 without hearing for not more than ninety (90) days on notice to the
 7 certificate holder. The state emergency management agency may
 8 deny certification to an applicant who would be subject to
 9 disciplinary sanctions under subsection (b) if that person was a
 10 certificate holder or who has had disciplinary action taken against
 11 the applicant or the applicant's certificate to practice in another
 12 state or jurisdiction or who has practiced without a certificate in
 13 violation of the law. A certified copy of the record of disciplinary
 14 action is conclusive evidence of the other jurisdiction's disciplinary
 15 action.

16 (e) On suspension, revocation, or termination of a certificate, the
 17 provision of the service shall cease. The state emergency
 18 management agency may order a certificate holder to submit to a
 19 reasonable physical or mental examination if the certificate
 20 holder's physical or mental capacity to practice safely and
 21 competently is at issue in a disciplinary proceeding. Failure to
 22 comply with a state emergency management agency order to
 23 submit to a physical or mental examination makes a certificate
 24 holder liable to temporary suspension under subsection (i).

25 (f) A written complaint filed with the commission and information
 26 pertaining to the complaint are confidential until one (1) of following
 27 occurs:

28 (1) Notice is sent under IC 4-21.5-3 that certification suspension
 29 or revocation proceedings relating to the complaint or information
 30 have been initiated.

31 (2) Notice is sent under section 17 of this chapter that a hearing
 32 is to be held concerning the imposition of a fine for a violation
 33 relating to the complaint or information.

34 (3) The complaint or information is required to be disclosed by
 35 the order of a court.

36 Except as provided under subsection (a)(6), subsection (g), and
 37 section 14.5 of this chapter, a certificate may not be denied,
 38 revoked, or suspended because the applicant or certificate holder
 39 has been convicted of an offense. The acts from which the
 40 applicant's or certificate holder's conviction resulted may,
 41 however, be considered as to whether the applicant or certificate



C
O
P
Y

holder should be entrusted to serve the public in a specific capacity.

(g) The commission may suspend or revoke a certificate under this section for not more than seven (7) years from the date the suspension or revocation is effective. After the time set by the commission has expired, the certificate holder may apply for renewal of the certificate under this chapter. The state emergency management agency may deny, suspend, or revoke a certificate issued under this chapter if the individual who holds or is applying for the certificate is convicted of any of the following:

(1) Possession of cocaine, a narcotic drug, or methamphetamine under IC 35-48-4-6.

(2) Possession of a controlled substance under IC 35-48-4-7(a).

(3) Fraudulently obtaining a controlled substance under IC 35-48-4-7(b).

(4) Manufacture of paraphernalia as a Class D felony under IC 35-48-4-8.1(b).

(5) Dealing in paraphernalia as a Class D felony under IC 35-48-4-8.5(b).

(6) Possession of paraphernalia as a Class D felony under IC 35-48-4-8.3(b).

(7) Possession of marijuana, hash oil, or hashish as a Class D felony under IC 35-48-4-11.

(8) Maintaining a common nuisance under IC 35-48-4-13.

(9) An offense relating to registration, labeling, and prescription forms under IC 35-48-4-14.

(10) Conspiracy under IC 35-41-5-2 to commit an offense listed in subdivisions (1) through (9).

(11) Attempt under IC 35-41-5-1 to commit an offense listed in subdivisions (1) through (10).

(12) An offense in any other jurisdiction in which the elements of the offense for which the conviction was entered are substantially similar to the elements of an offense described by subdivisions (1) through (11).

(h) A decision of the state emergency management agency under subsections (b) through (g) may be appealed to the commission under IC 4-21.5-3-7.

(i) The state emergency management agency may temporarily suspend a certificate holder's certificate under IC 4-21.5-4 before a final adjudication or during the appeals process if the state emergency management agency finds that a certificate holder



1 would represent a clear and immediate danger to the public's
2 health, safety, or property if the certificate holder were allowed to
3 continue to practice.

4 (j) On receipt of a complaint or information alleging that a
5 person certified under this chapter or IC 16-31-3.5 has engaged in
6 or is engaging in a practice that is subject to disciplinary sanctions
7 under this chapter, the state emergency management agency must
8 initiate an investigation against the person.

9 (k) The state emergency management agency shall conduct a
10 factfinding investigation as the state emergency management
11 agency considers proper in relation to the complaint.

12 (l) The state emergency management agency may reinstate a
13 certificate that has been suspended under this section if the state
14 emergency management agency is satisfied that the applicant is
15 able to practice with reasonable skill, competency, and safety to
16 the public. As a condition of reinstatement, the state emergency
17 management agency may impose disciplinary or corrective
18 measures authorized under this chapter.

19 (m) The state emergency management agency may not reinstate
20 a certificate that has been revoked under this chapter.

21 (n) The state emergency management agency must be consistent
22 in the application of sanctions authorized in this chapter.
23 Significant departures from prior decisions involving similar
24 conduct must be explained in the state emergency management
25 agency's findings or orders.

26 (o) A certificate holder may not surrender the certificate
27 holder's certificate without the written approval of the state
28 emergency management agency, and the state emergency
29 management agency may impose any conditions appropriate to the
30 surrender or reinstatement of a surrendered certificate.

31 (p) For purposes of this section, "certificate holder" means a
32 person who holds:

- 33 (1) an unlimited certificate;
- 34 (2) a limited or probationary certificate; or
- 35 (3) an inactive certificate.

36 SECTION 17. IC 16-31-3-14.5, AS AMENDED BY P.L.1-2002,
37 SECTION 74, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
38 JULY 1, 2003]: Sec. 14.5. The ~~commission~~ state emergency
39 management agency may issue an order under IC 4-21.5-3-6 to
40 deny an applicant's request for certification or permanently revoke
41 a ~~license~~ or certificate under procedures provided by section 14 of this

C
o
p
y



chapter if the individual who holds the ~~license or~~ certificate issued under this title is convicted of any of the following:

- (1) Dealing in or manufacturing cocaine, a narcotic drug, or methamphetamine under IC 35-48-4-1.
- (2) Dealing in a schedule I, II, or III controlled substance under IC 35-48-4-2.
- (3) Dealing in a schedule IV controlled substance under IC 35-48-4-3.
- (4) Dealing in a schedule V controlled substance under IC 35-48-4-4.
- (5) Dealing in a substance represented to be a controlled substance under IC 35-48-4-4.5.
- (6) Knowingly or intentionally manufacturing, advertising, distributing, or possessing with intent to manufacture, advertise, or distribute a substance represented to be a controlled substance under IC 35-48-4-4.6.
- (7) Dealing in a counterfeit substance under IC 35-48-4-5.
- (8) Dealing in marijuana, hash oil, or hashish under IC 35-48-4-10(b).
- (9) Conspiracy under IC 35-41-5-2 to commit an offense listed in subdivisions (1) through (8).
- (10) Attempt under IC 35-41-5-1 to commit an offense listed in subdivisions (1) through (8).
- (11) A crime of violence (as defined in IC 35-50-1-2(a)).
- (12) An offense in any other jurisdiction in which the elements of the offense for which the conviction was entered are substantially similar to the elements of an offense described under subdivisions (1) through (11).

SECTION 18. IC 16-31-3-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 17. (a) The ~~director~~ **state emergency management agency may issue an order to may penalize an ambulance service provider or a person certified under this chapter who has practiced without a certificate in violation of this article imposing a civil penalty of** not more than five hundred dollars (\$500) per occurrence. ~~for a violation of a patient care standard or rule that is established by the commission under rules adopted under IC 4-22-2.~~

(b) ~~A civil penalty may be imposed only after a hearing on the imposition of the penalty has been held by the director or the director's designee. Notice of the hearing must be mailed to the provider at least~~



C
o
p
y

ten (10) days before the date set for the hearing. A decision of the state emergency management agency under subsection (a) may be appealed to the commission under IC 4-21.5-3-7.

(c) An ambulance service provider or a person certified under this chapter who is penalized under this chapter may appeal the determination under IC 4-21.5. At the hearing, the provider or certified person is entitled to do the following:

(1) Be represented by an attorney;

(2) Present evidence in that person's behalf;

(3) Cross-examine witnesses.

SECTION 19. IC 16-31-3-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 19. The commission shall appoint an advanced life support operations subcommittee to advise the commission on the development of:

(1) standards for the certification of:

(A) provider organizations;

(B) paramedics;

(C) ~~advanced~~ emergency medical technicians; **technician-intermediates**; and

(D) supervising hospitals; and

(2) rules governing the operation of advanced life support services.

SECTION 20. IC 16-31-3-20 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 20. The commission shall adopt rules under IC 4-22-2 that promote the orderly development of advanced life support services in Indiana. The rules must include the following:

(1) Requirements and procedures for the certification of provider organizations, paramedics, ~~advanced~~ emergency medical technicians; **technician-intermediates**, and supervising hospitals.

(2) Rules governing the operation of advanced life support services, including the medications and procedures that may be administered and performed by paramedics and ~~advanced~~ emergency medical technicians; **technician-intermediates**.

SECTION 21. IC 16-31-3-21 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 21. (a) Notwithstanding any other law, a certified paramedic or ~~an advanced~~ a **certified** emergency medical technician-**intermediate** may perform advanced life support in an emergency according to the rules of the commission.

(b) Notwithstanding any other law, a person may, during a course



of instruction in advanced life support, perform advanced life support according to the rules of the commission.

SECTION 22. IC 16-31-3-23, AS ADDED BY P.L.17-2002, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 23. An emergency medical technician or ~~advanced~~ emergency medical technician-**advanced** who is certified under this article may administer epinephrine through an auto-injector to an individual who is experiencing symptoms of an allergic reaction or anaphylaxis.

SECTION 23. IC 16-31-3.5 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]:

Chapter 3.5. Emergency Medical Dispatch

Sec 1. (a) The definitions in this section apply throughout this chapter.

(b) "Medical director" means a licensed physician who provides emergency medical dispatch medical direction to the emergency medical dispatch agency and works with the local emergency medical services medical director, if not the same person.

(c) "Emergency medical dispatcher" means a person who is trained to provide emergency medical dispatch services and who is certified under this chapter.

(d) "Emergency medical dispatching" means the reception, evaluation, processing, provision of dispatch life support, management of requests for emergency medical assistance, and participation in ongoing evaluation and improvement of the emergency medical dispatch process. This process includes identifying the nature of the request, prioritizing the severity of the request, dispatching the necessary resources, providing medical aid and safety instructions to the callers, and coordinating the responding resources as needed, but does not include call routing per se.

(e) "Emergency medical dispatch agency" means any person that provides emergency medical dispatching for emergency medical assistance that is certified under this chapter.

Sec. 2. This chapter does not apply to a person who solely dispatches prescheduled emergency medical transports.

Sec. 3. (a) An individual may not furnish, operate, conduct, maintain, advertise, or otherwise be engaged as an emergency medical dispatcher unless that individual is certified by the commission as an emergency medical dispatcher.



(b) A person may not furnish, operate, conduct, maintain, advertise, or otherwise be engaged as an emergency medical dispatch agency unless certified by the commission as an emergency medical dispatch agency.

Sec. 4. (a) To be certified as an emergency medical dispatcher, an individual must:

(1) meet the standards for education and training established by the commission;

(2) successfully complete a written competency examination approved by the commission; and

(3) pay the fee established by the commission.

(b) An emergency medical dispatcher certificate expires two (2) years after the date of its issuance. To renew a certificate, an emergency medical dispatcher must:

(1) meet the education and training renewal standards established by the commission; and

(2) pay the fee established by the commission.

(c) An emergency medical dispatcher must follow protocols, procedures, standards, and policies established by the commission.

(d) An emergency medical dispatcher is required to keep the commission informed of the entity or agency that employs or supervises the dispatcher's activities as an emergency medical dispatcher.

(e) An emergency medical dispatcher is required to report to the commission whenever an action has taken place that may justify the revocation or suspension of a certificate issued by the commission.

Sec. 5. (a) To be certified as an emergency medical dispatch agency, a person must:

(1) meet the standards established by the commission; and

(2) pay the fee established by the commission.

(b) An emergency medical dispatch agency certificate expires two (2) years after the date of its issuance. To renew a certificate, an emergency medical dispatch agency must:

(1) meet the renewal requirements established by the commission; and

(2) pay the fee established by the commission.

(c) The emergency medical dispatch agency must be operated in a safe, efficient, and effective manner in accordance with commission approved standards that include the following

C
O
P
Y



requirements:

(1) All personnel providing emergency medical dispatch services must be certified as emergency medical dispatchers by the commission before functioning alone in an online capacity.

(2) The protocols, procedures, standards, and policies used by an emergency medical dispatch agency to dispatch emergency medical aid must comply with the requirements established by the commission.

(3) The commission must require the emergency medical dispatch agency to appoint a dispatch medical director to provide supervision and oversight over the medical aspects of the operation of the emergency medical dispatch agency.

(d) The commission may require the submission of periodic reports from a emergency medical dispatch agency. The emergency medical dispatch agency must submit such reports in the manner and with the frequency required by the commission.

(e) An emergency medical dispatch agency is required to report to the commission whenever an action occurs that may justify the revocation or suspension of a certificate issued by the commission.

Sec. 6. (a) The commission must require emergency medical dispatchers to participate in continuing emergency medical dispatch education and training.

(b) An emergency medical dispatcher education and training course must be approved by the commission and must be conducted by an instructor or instructors that meet qualifications established by the commission.

(c) A person may not offer or conduct a training course that is represented as a course for emergency medical dispatcher certification unless the course is approved by the commission and the instructor or instructors meet the qualifications established by the commission.

Sec. 7. The commission shall adopt rules under IC 4-22-2 to implement this chapter.

SECTION 24. IC 16-31-6-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 1. (a) ~~An ambulance attendant or~~ A certified emergency medical technician ~~or a certified emergency medical technician-advanced~~ who provides emergency ~~ambulance medical~~ services to an emergency patient is not liable for an act or omission in providing those services unless the act or omission constitutes negligence or willful misconduct. If the ~~attendant~~



1 ~~or emergency medical technician or emergency medical~~
 2 **technician-advanced** is not liable for an act or omission, no other
 3 person incurs liability by reason of an agency relationship with the
 4 ~~attendant or emergency medical technician or emergency medical~~
 5 **technician-advanced.**

6 (b) This section does not affect the liability of a driver of an
 7 ambulance for negligent operation of the ambulance.

8 SECTION 25. IC 16-31-6-3 IS AMENDED TO READ AS
 9 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 3. An act or omission
 10 of a paramedic or ~~advanced~~ **an** emergency medical
 11 technician-**intermediate** done or omitted in good faith while providing
 12 advanced life support to a patient or trauma victim does not impose
 13 liability upon the paramedic or ~~advanced~~ emergency medical
 14 technician-**intermediate**, the authorizing physician, the hospital, or the
 15 officers, members of the staff, nurses, or other employees of the
 16 hospital or the local governmental unit if the advanced life support is
 17 provided:

18 (1) in connection with an emergency;

19 (2) in good faith; and

20 (3) under the written or oral direction of a licensed physician;

21 unless the act or omission was a result of negligence or willful
 22 misconduct.

23 SECTION 26. IC 16-31-6-4, AS ADDED BY P.L.156-2001,
 24 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 25 JULY 1, 2003]: Sec. 4. (a) This section does not apply to an act or
 26 omission that was a result of gross negligence or willful or intentional
 27 misconduct.

28 (b) An act or omission of a paramedic, an ~~advanced~~ emergency
 29 medical technician-**intermediate**, an emergency medical
 30 technician-**advanced**, **an emergency medical technician**, or a person
 31 with equivalent certification from another state that is performed or
 32 made while providing advanced life support or basic life support to a
 33 patient or trauma victim does not impose liability upon the paramedic,
 34 the ~~advanced~~ emergency medical technician-**intermediate**, the
 35 emergency medical technician-**advanced**, **an emergency medical**
 36 **technician**, the person with equivalent certification from another state,
 37 a hospital, a provider organization, a governmental entity, or an
 38 employee or other staff of a hospital, provider organization, or
 39 governmental entity if the advanced life support or basic life support
 40 is provided in good faith:

41 (1) in connection with a disaster emergency declared by the



C
o
p
y

governor under IC 10-4-1-7 in response to an act that the governor in good faith believes to be an act of terrorism (as defined in IC 35-41-1-26.5); and

(2) in accordance with the rules adopted by the Indiana emergency medical services commission or the disaster emergency declaration of the governor.

SECTION 27. IC 16-31-8.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]:

Chapter 8.5. Emergency Medical Services Fund

Sec. 1. As used in this chapter, "agency" refers to the state emergency management agency established by IC 10-8-2-1.

Sec. 2. As used in this chapter, "fund" refers to the emergency medical services fund established by section 3 of this chapter.

Sec. 3. The emergency medical services fund is established for the purposes of defraying the personal services expense, other operating expense, and capital outlay of the:

(1) commission; and

(2) employees of the agency.

Sec. 4. The agency shall administer the fund. Money collected under IC 16-31-3-13 must be deposited at least monthly with the treasurer of state. Expenses of administering the fund shall be paid from money in the fund.

Sec. 5. The treasurer of state shall deposit money deposited with the treasurer of state under section 4 of this chapter in the fund. The treasurer of state shall invest the money in the fund that is not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested.

Sec. 6. There is annually appropriated to the state emergency management agency all money in the fund for carrying out the purposes of this chapter.

Sec. 7. Money in the fund at the end of a state fiscal year does not revert to the state general fund.

SECTION 28. THE FOLLOWING ARE REPEALED [EFFECTIVE JULY 1, 2003]: IC 16-31-3-15; IC 16-31-6.5-1.

SECTION 30. [EFFECTIVE JULY 1, 2003] (a) Notwithstanding IC 16-31-3.5-3(a), as added by this act, the prohibition against an individual acting as an emergency medical dispatcher unless the individual is certified by the Indiana emergency medical services commission as an emergency medical dispatcher does not apply to

C
O
P
Y



1 an individual before July 1, 2005.

2 (b) Notwithstanding IC 16-31-3.5-3(b), as added by this act, the
3 prohibition against a person acting as an emergency medical
4 dispatch agency unless the person is certified by the Indiana
5 emergency medical services commission as an emergency medical
6 dispatch agency does not apply to a person before July 1, 2005.

C
o
p
y

